IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION No. 19443 of 2004

Between:

1. M/s Sri Sesha Bhagya Lakshmi Rice Mill,

Rep. by its Managing Partner B. Rama Gopal Reddy,
S/o Seshireddy aged 48 years, R/o Ongole, Prakasam District

2. M/s Sri Ganesh Raw & Boiled rice Mill,

Rep. by its Partner D.Krishna Reddy
S/o Venkatareddy, aged 48 years, R/o Pernimitta,

Ongole, Prakasam District

3. M/s Radha Krishna Traders,

Rep. by its Partner B. Pitchi Reddy,
S/o Venkateswara Reddy, aged 40 years,

R/o C/o Vigneswara Raw & Boiled Mill,
Pernimitta, Ongole, Prakasam District

4. M/s Venkateswara Rice Mill, Rep. by its Proprietor

K. Subbarao, S/o Subbaiah, aged 59 years,

R/o Ongole, Prakasam District

5. Motumarri Nageswararao, S/o Anjaneyulu,
aged about 47 years, Paddy & Rice Merchant,

R/o Uppugundur, Prakasam District.

6. M/s Venkateswara Trading Company,

Rep. by its Partner K. Ramachandrarao
S/o Venkatasubbaiah, aged 57 years,

R/o Uppugundur, Prakasam District.

7. M/s Srinivasa Rice & Flour Mill, Rep. by its Proprietor

N. Venkateswara Gupta, S/o Venkatasubba Rao, aged 42 years,

R/o Koppulu, Prakasam District.

8. M/s Saptagiri Boiled & Raw Rice Mill Rep. by its Partner

K.L.Narayana S/o Subbaiah, aged about 43 years,

R/o Pernamitta, Prakasam District.

..... PETITIONERS

AND

1 Government of Andhra Pradesh, Rep. by its Secretary,
Food & Agriculture (Marketing) Department, Secretariat, Hyderabad.

2 The Director, Food & Agriculture (Marketing) Department,
Govt. of A.P. BRKR Buildings, Hyderabad.

3 The Agricultural Market Committee, Rep. by its Secretary,
Ongole, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ Order or direction more particularly in the nature of Writ of Mandamus declaring the action of the respondents herein in insisting for payment of fees under Section 12 of The Agricultural market Act for issuing Export Permit Book to the Petitioners as arbitrary illegal capricious and violative of fundamental right guaranteed to the Petitioners herein under Arts 14, 19 (1) (g) & 21 of the Constitution of India and consequently direct them to carry their business within the notified area of respondent No.3 under the provisions of The A P (Agricultural Produce & Livestock) Markets Act 1966.

Counsel for the Petitioner: MR.SAI GANGADHAR CHAMARTY

Counsel for the Respondent Nos.1 & 2: GP FOR AGRICULTURE

Counsel for the Respondent No.3: MR P.VENKATESWARLU, SC for Agricultural Marketing Committee

The Court made the following:

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ORDER:

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Agriculture appearing for the respondents.

2. The petitioners eight in number are all traders who are engaged in the business of sale and purchase of rice, an agricultural produce in the Ongole Agricultural Market Committee in Prakasam District. They orally applied to the

3rd respondent for issuance of an Export Permit Book so as to facilitate sale of rice to persons for use out side the area of the Market Committee. They alleged that they were orally being asked to pay the market fee even before the conclusion of sale transactions. At the interlocutory stage the learned standing counsel for the 3rd respondent–Agricultural Market Committee has stated that the market committee is not insisting for deposit of the market fee for issuance of Export Permit Book, but the market committee was only is insisting for an undertaking by the petitioners/traders to pay the market fee as and when the sale transaction takes place. Admittedly, the petitioners did not make any written requisition for issuance of Export Permit Books, to the 3rd respondent.

3. In the above circumstances, the Writ Petition is disposed of,

permitting the petitioners to submit a written requisition to the 3rd respondent–Market Committee for issuance of Export Permit Books. On receipt of such requisitions, the 3rd respondent is directed to pass appropriate orders thereon within a week from the date of receipt of the requisitions. If the petitioners are aggrieved by the response of the 3rd respondent on their requisitions, it is needless to state, they are at liberty to pursue such remedies as are available at law.

4. The Writ Petition is disposed of with these directions, as there is no material on record to arrive at a satisfaction that the conduct of the 3rd respondent is illegal.

Note:

Issue CC by tomorrow

B/o

dsr/ksn

ASSISTANT REGISTRAR

To:

1. The Secretary,

Food & Agriculture (Marketing) Department,

Government of Andhra Pradesh,

Secretariat, Hyderabad

2. The Director,

Food & Agriculture (Marketing) Department,

Government of Andhra Pradesh,

BRKR Buildings, Hyderabad

3. The Secretary,

the Agricultural Market Committee,

Ongole, Prakasam District

4. Two CCs to the Government Pleader for

Agriculture, High Court Buildings,

Hyderabad (OUT)

5. Two CD copies.